

Office Memorandum • UNITED STATES GOVERNMENT

TO : Files.

DATE: 6 October 1948.

FROM :

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SUBJECT: Armed Services Patent Advisory Board.

OGC HAS REVIEWED.

In a conversation with Mr. Harry Galleher of the Patent Section, JAG, Department of the Army, the undersigned discussed the progress of the procedure to be followed in applying secrecy orders to future patent applications in which this Agency might be interested. The Army, Navy and Air Force have completed a tentative draft of their lists of subjects in which they are interested. This list will be submitted to the Patent Office for purposes of screening the appropriate applications and submitting them to the representatives of the various interested agencies for decision in applying secrecy orders.

It should be noted that the list is classified by arbitrary groups which bear no relationship to the groups indicated in the classification index of the Patent Office. Interest is directed to the specific items within the groups rather than the group as a whole. The list is subject to change and necessary revision after reconsideration. After the list has been finally approved by both the Patent Office and the Technical Sections of the armed service agencies, this organization will make whatever additions seem appropriate.

Tentatively it is understood that the screening procedure will function as follows: As patent applications are received by the Patent Office in the usual divisions to which they belong, those which seem to fall within the categories of the screening list will be forwarded to a Review Board composed of members of the Patent Office staff for screening review, and will then be submitted to the technical representatives in the various interested agencies of the Government, who will then advise the Commissioner whether secrecy orders should be issued under Public Law 700, 76th Congress, Session. This statute provides that the inventor (the applicant) may tender his invention for the use of the Government with authorization for the necessary disclosure. If the invention is made available to the Government, the inventor is entitled to a claim for the use of the invention, beginning with the date of such use. Ordinarily, of course, he would not be entitled to claim compensation for the use of an invention until the patent had been formally issued.

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Mr. Galleher, who is secretary of the Armed Services Patent Advisory Board, stated that the question had been raised in the course of the last meeting of the Board regarding the Board's authority to act on behalf of this Agency. No particular difficulty is anticipated in this regard, but Mr. Galleher will inform the writer if any concrete objection materializes. The mechanical operation of our representation, either on our own or through the Army, will be developed later. In the event that a secrecy order in regard to a particular patent application is issued and the inventor makes the appropriate tender under the terms of the statute, certain considerations of security may require that such tender be made to one of the defense agencies on our behalf.

Correlation with the Atomic Energy Commission has yet to be completed.

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